

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CV Action No. 3:12-cv-11545-MAP

MARK A. LARACE
TAMMY L. LARACE

Petitioners

WELLS FARGO BANK, N.A. AS TRUSTEE)
FOR ABFC 2005-OPT1 TRUST)
ABFC ASSET BACKED CERTIFICATES)
SERIES 2005-OPT1;)
AMERICAN HOME MORTGAGE)
SERVICING)
OPTION ONE MORTGAGE COMPANY)

Respondents

PETITIONERS MOTION FOR REMAND

Petitioners Mark A. LaRace and Tammy L. LaRace (“Petitioners”), by and through their counsel, hereby respectfully submit their Motion To Remand this matter back to the Massachusetts Land Court. The Petitioners’ hereby state that there is no federal question presented in this matter, and the Respondents have not established the amount in controversy is in excess of \$75,000.00, therefore this court lacks the subject matter jurisdiction to hear this matter as it must be remanded back to the Massachusetts state land court.

The Petitioners hereby rely upon their Memorandum of Law In Support of this Motion, as reasons therefore to Remand this matter back to the Massachusetts state land court, from whence it came.

Respectfully submitted,
Petitioners,
By their attorney
Petitioners
Mark A. LaRace
Tammy L. LaRace
By and through their counsel

/s/ Glenn F. Russell, Jr.
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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), counsel for the Petitioner, Mark A. LaRace and Tammy L. LaRace, certifies that he attempted to confer with Respondents' counsel by email on August 24, 2012, and further by phone conversation, and thereby attempted in good faith to resolve or narrow the issue presented the Petitioners' Motion to Remand.

CERTIFICATE OF SERVICE

I, Glenn F. Russell, Jr., attorney for the Petitioner hereby certify that on this the 20th day of September, 2012, true and correct copies of the foregoing Petitioners Memorandum In Support of their Motion to Remand, and its Exhibit A, have been served by electronic notification, by way of the ECF/CM system to the registered participants involved in this matter, and further upon the Defendants counsel of record in this matter.

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/s/ Glenn F. Russell, Jr.
Glenn F. Russell, Jr.